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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/663,833 | 09/17/2003 | Kenichi Manabe | 03500.017680. | 2698 |
| 5514 7590 03/19/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112 | | | | |
| EXAMINER | | | | |
| MCCOMMAS, BRENDAN N | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2625 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 03/19/2008 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/663,833

Applicant(s)

MANABE ET AL.

Examiner

BRENDAN MCCOMMAS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/10/2007.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-12** are rejected under 35 U.S.C. 102 as being anticipated by Tobinaga Hideki (Japanese Patent Publication 11-14139), hereinafter referenced as Hideki.
3. **Regarding claim 1**, Hideki discloses a sheet feeding apparatus comprising:
4. a sheet supporting portion on which a sheet is placed (Figure 1, item 4, where the manuscript tray is considered a sheet supporting portion; also see [0014]);
5. a feeding member disposed, above said sheet-supporting portion, for feeding out the sheet. (Figure 1, where pickup roller 10 is the feeding means which is positioned above the sheet supporting means 4);
6. a holding member 33a configured to hold said feeding member for rotation and to move the feeding member between a feeding position in which said feeding member is in contact with the sheet placed on said sheet supporting portion and a feeding stop position in which said feeding member is out of contact with the sheet, as disclosed in [0058]-[0059].
7. a separating portion for separating the sheet fed out by said feeding member and feeding the sheet one by one (Figure 1, items 11-12);

8. a regulating member provided between said separation portion and said feeding means (Figure 1, item 14, and also known as the stopper claw) and being movable between a regulating position in which said regulating member regulates movement of the sheet between said sheet supporting portion said separating portion and retracted position in which said regulating member does not hamper the feeding of the sheet. (also see [0015]); a link member (42a and 40 the combination)connected between the holding member and the regulating member, the link member being moved by the holding member to move the regulating member to the retracted position when the holding member moves the feeding member to the feeding position and the link member is moved by the holding member to move the regulating member to the regulating position when the holding member is moved to the feeding stop position, as disclosed in [0057]-[0059], and exhibited in figures 3 and 5; and
9. an openable and closable cover having a guide member for guiding the sheet fed out by said feeding member, wherein said link member is movably mounted though a series of links on said openable and closable cover, and said regulating member, connected with said link member, is moved to said retracted position in association with an opening operation of said openable and closable cover, as disclosed in [0051]-[0054], [0082]-[0083] and exhibited in figure 1.
10. **Regarding claim 2**, Hideki discloses, everything claimed as applied above (see claim 1), in addition Hideki discloses an apparatus wherein said link member comprises a first link member movable in operative association with the movement of said holding member, and a second link member movable in operative association with the

movement of said first link member to thereby move said regulating member to said regulating position or said retracted position, and wherein a first link member (40) with a cam shape moves against a second link member (42a) where an amount of movement of said regulating member is varied by the cam shape. (see Figures 3 and 7, and [0026]-[0027]).

11. **Regarding claim 3**, Hideki discloses, everything claimed as applied above (see claim 2), in addition Hideki discloses an apparatus wherein the cam shape is such a shape that $H > h$, where H is the amount of movement of the regulating member until the feeding member protrudes downwardly from the guide member through the holding member when the feeding member feeds out the sheet, and h is the amount of movement of the regulating member after the feeding member has protruded downwardly from the guide member, as disclosed in [0026]. In addition Hideki discloses a pickup driving member (33), which rotates centering on a driving shaft (34), and a cam will push up on the pickup roller (10) through the rocking member (35) and will move the pickup roller in order to ensure that the pickup roller and the stopper claw are set at a correct height ($H > h$), and reads on claimed "guide member", as disclosed in [0061], and exhibited in figure 3.

12. **Regarding claim 4**, Hideki discloses, everything claimed as applied above (see claim 3), in addition Hideki discloses that his automatic manuscript transport device is connected to image formation equipment, comprising:

13. an image reading means(6) which is arranged under contact glass (2) to read an image of an original and reads on claimed image reading means, as disclosed in [0014], and exhibited in figure 1.

14. a separation/feeding means (5) which conveys the separated transcript to the reading means, and comprises a feeding member disposed above said original supporting portion in order to feed out the original as disclosed in paragraph [0014], and exhibited in figure 1.; a holding member 33 configured to hold said feeding member for rotation and to move the feeding member 10 in contact with the sheet placed on said sheet supporting portion and a feeding stop position in which said feeding member is out of contact with the sheet, as disclosed [0058] in and exhibited in figure 3; a separating portion (5) for separating the original fed out by said feeding member and feeding the original one by one to the image reading unit as disclosed in paragraph [0014], and exhibited in figure 1.; a regulating member 14 provided between the separating portion and the feeding member and being movable between a regulating position, in which the regulating member regulates movement of the original placed on the original supporting portion, and a retracted position in which the regulating member does not hamper the feeding of the original, as disclosed in [0067] and exhibited in figure 1; a link member (40 and 42a) connected between the holding member and the regulating member, the link member being moved by the holding member to move the regulating member to the retracted position when the holding member moves the holding member to the feeding position, the link member being moved by the holding member to move the regulating member to the regulating position when the holding

member is moved to the feeding stop position, as disclosed in [0026]-[0027] and exhibited in figure 3; and an openable and closable cover having a guide member for guiding the sheet fed out by the feeding member wherein the link member is movably mounted through a series of links on the openable and closable cover and the regulating member, connected with the link member is moved to the retracted position in association with an opening operation of the openable and closable cover, and reads on claimed original feeder, as disclosed in [0051]-[0054], [0082]-[0083] and exhibited in figure 1.

15. **Regarding claim 5**, Hideki discloses everything claimed as applied above (see claim 4), in addition Hideki discloses the apparatus wherein the link member comprises a first link member movable in operative association with the movement of the holding member, and a second link member movable in operative association with the movement of the first link member to thereby move the regulating member to the regulating position or the retracted position, as disclosed in [0057]-[0059]; and wherein the first link member or the holding member is provided with a cam shape, and an amount of movement of the regulating member moved through the intermediary of the second link member in accordance with the amount of movement of said holding member is varied by the cam shape. (see Figures 3 and 7, and [0026]-[0027]).

16. **Regarding claim 6**, Hideki discloses everything claimed as applied above (see claim 5), in addition Hideki discloses a guide member 11 which is provided above the original supporting portion and below the feeding member located at the feeding stop

position as disclosed in and exhibited in figure 1. In addition claim 6 is further interpreted and thus rejected for the reasons set forth above in the rejection of claim 3.

17. **Regarding claim 7**, Hideki discloses everything claimed as applied above (see claim 6), in addition Hideki discloses a closing motion covering (103), which can open and close and is formed with the separation/feeding means and reads on claimed "openable and closable cover," as disclosed in [0051-0052] and exhibited in figure 1.

18. **Regarding claim 8**, Hideki discloses everything claimed as applied above (see claim 7), in addition Hideki discloses a spring (43) which restrains the gearing (23) and reads on claimed, "restraining portion", as disclosed in [0027] and figures 3-4.

19. **Regarding claim 9**, Hideki discloses everything claimed as applied above (see claim 8), in addition Hideki discloses that the closing motion covering (103) opens on top of the separating portion (12) and reads on claimed "openable and closable cover," as disclosed in [0051-0052] and figure 1.

20. **Regarding claim 10**, Hideki discloses everything claimed as applied above (see claims 4-9), in addition Hideki discloses an image forming portion for forming an image on the basis of image information read by said image reading means, as disclosed in [0001].

21. **Regarding claim 11**, Hideki discloses everything claimed as applied above (see claim 4), in addition Hideki discloses the apparatus wherein the link member (42a and 40) or the holding member 33a is provided with a second cam shape, wherein the guide member is provided above the original supporting portion 4 and below a position of the feeding member 10 when the holding member is located at the feeding

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stop position (the claw is up) as exhibited in figure 1, wherein the second cam shape is such a shape that an amount of movement of the regulating member (the claw) with respect to the amount of movement of the holding member 33 until the feeding member is protruded downwardly from the guide member when the feeding member feeds out the original is larger than an amount of movement of the regulating member (14) with respect to an amount of movement of the holding member 33 after the feeding member is protruded downwardly from the guide member as exhibited in figure 3.

21. **Regarding claim 12**, Hideki discloses everything claimed as applied above (seem claim 4), in addition Hideki discloses an apparatus wherein the holding member and the regulating member are provided on the openable and closable cover; and wherein the holding member is moved with respect to the openable and closable cover so that the relative positions of the openable and closable cover and the holding member are changed, and the link member acts on the openable and closable cover so that the regulating member is moved to the retracted position by the movement of the holding member with respect to the openable and closable cover in association with the opening operation of the openable and closable cover as disclosed in [0051]-[0055] and exhibited in figure 1.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Tobinaga Hideki (Japanese Patent Publication 11-143139) hereinafter referenced as Hideki, in view of Kayzuki (Japanese Patent Publication 2002-220122).
3. **Regarding claim 13**, Hideki discloses everything claimed as applied above (see claim 1) In addition Hideki discloses a sheet feeding apparatus comprising: a sheet supporting portion on which a sheet is placed (Figure 1, item 4, where the manuscript tray is considered a sheet supporting portion; also see [0014]); a feeding member disposed, above said sheet-supporting portion, for feeding out the sheet. (Figure 1, where pickup roller 10 is the feeding means which is positioned above the sheet supporting means 4); a separating portion for separating the sheet fed out by said feeding member and feeding the sheet one by one (Figure 1, items 11-12); an openable and closable cover having a guide member for guiding the sheet fed out by said feeding member, as disclosed in [0051]-[0054], [0082]-[0083] and exhibited in figure 1; a regulating member provided between said separation portion and said feeding means (Figure 1, item 14, and also known as the stopper claw) and being movable between a regulating position in which said regulating member regulates movement of the sheet between said sheet supporting portion said separating portion and retracted position in which said regulating member does not hamper the feeding of the sheet. (also see [0015]); and a link member (42a and 40 the combination) connected between the holding member and the regulating member, the link member being moved by the holding member to move the regulating member to the retracted position when the

holding member moves the feeding member to the feeding position and the link member is moved by the holding member to move the regulating member to the regulating position when the holding member is moved to the feeding stop position, as disclosed in [0057]-[0059], and exhibited in figures 3 and 5;

4. However Hideki fails to explicitly disclose that the regulating member is moved by the opening of the cover wherein the link member is moved by the opening movement of the openable and closable cover. However it would have obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention of Hideki, as taught by Kazyuki.

5. In a similar field of endeavor Kazyuki discloses a device wherein the regulating member 21 is moved by the opening of the cover wherein the link member 22 is moved in accordance with the cover, as disclosed in [0020], [0027] and exhibited in figure 4.

6. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the sheet feeding apparatus of Hideki, a regulating member which is moved by the opening of the cover wherein the link member is moved by the cover for the purpose of stopping paper jams, the device could be interfaced to another scanner/copier or fax machine and the feeder device may perform stable feeding, as disclosed in Kayuki [0002] and [0027].

7. **Regarding claim 14**, Hideki and Kayzuki disclose everything claimed as applied above (seem claim 13), in addition claim Hideki discloses that the link member and regulating member are mounted on the cover, and that the link member is move in respect to the opening and closing of the cover, so that the regulating member is moved

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as well. (being instructed by the controller), as disclosed in in [0051]-[0054], [0082]-[0083].

Response to Arguments

22. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.

23. On pages 11-12 of Applicant's remarks, Applicant argues that Hideki fails to teach a "link member connected between said holding member and said regulating member." Applicant argues that Hideki discloses a "drive transmitting system comprising a gear 27, a cam 40 and a lever 42a moves the regulating member (see [0026])."

24. The examiner respectfully disagrees with the Applicant's arguments because Hideki discloses a "link member" which can consist of a gear, a cam and a shaft which link the holding member to the regulating member for the purpose of moving the regulating member in accordance with the holding member, as disclosed in [0026].

25. On page 12 of Applicant's remarks, Applicant argues that the inventions of claims 1 and 4 are patentably distinct over Hideki because Hideki teaches "an opening and closing state of an openable and closable cover 3 is detected to input information into a main controller so that the main controller 21 controls movement of a stopper claw 41. According to the invention as now claimed, however the regulating member, together with the link member, is moved to the retracted position in association with the opening of the openable and closable cover by the user."

26. In response to applicant's argument, the examiner respectfully disagrees because Hideki discloses a cover which is opened by a user, and when opened the regulating member or stopper claw moves in association with the opening and closing as disclosed in [0026]. In response to the Applicant's arguments that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. that the link member is manually used in operation with the openable and closable cover) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

27. On page 13 of Applicant's remarks, Applicant argues that "Hideki discloses that the main controller controls the movement of the stopper claw." In addition Applicant argues that Kazuyuki does not disclose the feature of claim 13 that requires, "a link member connected to said cover and said regulating member to be moved by an opening movement of said openable and closable cover when said openable and closable cover is opened and to move said regulating member, and the feature in that 'said link member is moved by the opening movement of said openable and closable cover so that said regulating member is moved from said regulating position to said retracted position.'"

28. In response to Applicant's argument, the examiner respectfully disagrees because Kazuyuki discloses in [0019] and [0027] and figures 1 and 4, a device wherein when the cover is opened there is a link member 22 which is moved in accordance with

the cover, and moves a regulating member 22. The movement of this link member 7 is also moved by the opening of the cover and moves the regulating member to a regulating position, as disclosed in [0004, [0020] and [0027].

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. McCommas/
Examiner, Art Unit 2625

/B. M./
Examiner, Art Unit 2625

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625

3/12/08